

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

Although it is not agreed that such is required, in the interest of expediting prosecution, various of the claims have been amended to delete reference to isoforms and derivatives. Several of the claims have been amended to recite that the sequence has at least 85% identity. 85% was chosen since 95% would provide little or no possibilities for variation given the brevity of the sequences. It is submitted that one of ordinary skill would be able to choose appropriate sequences with the 85% identity without undue experimentation.

Claim 2 is amended to make the formal change of deleting reference to sequences A-E. Claim 3 has been amended to specify the sequences. Claim 7 has been amended to correct the informality noted by the Office. Claim 11 has been amended to recite that the polypeptide has antifreeze activity, thereby incorporating claim 18, which has been canceled without prejudice. Claim 14 has been amended to correct an informality. Claim 21 has been amended to depend from claim 19. Claim 23 has been amended to depend from claim 4. New claims 24-27 are presented. Claim 24 is supported in part on page 6. Claim 25 is supported at page 15, 1st full paragraph and the preceding example. Claims 26 and 27 are similar to original claim 12.

As to the obviousness double patenting rejection, it is submitted that the rejection improperly compares the specification of one reference with the claims of the other. Rather, double patenting analysis involves a comparison of the claims of the patent application and the reference. Accordingly it is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully requested that the application, as amended, be allowed.

Respectfully submitted,



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